UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK	
CHARLES HANS ZIZI,	x :
Plaintiff,	: Index No. 1:13-cv-07212-PKC-RML
VS.	:
PNC BANK and CHEXSYSTEMS,	i 1
Defendants.	
	X

DEFENDANT CHEXSYSTEMS' MOTION TO DISMISS

PLEASE TAKE NOTICE that, Defendant, CHEXSYSTEMS a/k/a Chex Systems, Inc., upon the accompanying memorandum of law, the affirmation of Aleksander Powietrzynski dated December 26, 2013, and all the pleadings and proceedings herein, will move this Court, before Honorable Judge Pamela K. Chen, at the United States Courthouse for the Eastern District of New York located at 225 Cadman Plaza East, Brooklyn, New York 11201, on a date designated by the Court (pursuant to Hon. Judge Pamela K. Chen's Individual Practice Rule 3) an Order Dismissing the Plaintiff's Complaint pursuant to Fed. R. Civ. P. 12(b)(6) or for a More Definite Statement pursuant to Fed. R. Civ. P. 12(e) and to automatically dismiss the complaint with prejudice upon Plaintiff's failure to provide a More Definite Statement within fourteen (14) days of the date of the Order, and such other and further relief as the Court may deem just and proper.

Notice to Pro Se Litigant Who Opposes a Rule 12 Motion Supported by Matters Outside the Pleadings.

The defendant in this case has moved to dismiss or for judgment on the pleadings pursuant to Rule 12(b) or 12(c) of the Federal Rules of Civil Procedure, and has submitted additional written materials. This means that the defendant has asked the Court to decide this

case without a trial, based on these written materials. You are warned that the Court may treat this motion as a motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure. For this reason, THE CLAIMS YOU ASSERT IN YOUR COMPLAINT MAY BE DISMISSED WITHOUT A TRIAL IF YOU DO NOT RESPOND TO THIS MOTION ON TIME by filing sworn affidavits as required by Rule 56(c) and/or other documents. The full text of Rule 56 of the Federal Rules of Civil Procedure is attached.

In short, Rule 56 provides that you may NOT oppose the defendant's motion simply by relying upon the allegations in your complaint. Rather, you must submit evidence, such as witness statements or documents, countering the facts asserted by the defendant and raising specific facts that support your claim. If you have proof of your claim, now is the time to submit it. Any witness statements must be in the form of affidavits. An affidavit is a sworn statement of fact based on personal knowledge stating facts that would be admissible in evidence at trial. You may submit your own affidavit and/or the affidavits of others. You may submit affidavits that were prepared specifically in response to defendant's motion.

If you do not respond to the motion on time with affidavits and/or documents contradicting the facts asserted by the defendant, the Court may accept defendant's facts as true. Your case may be dismissed and judgment may be entered in defendant's favor without a trial.

If you have any questions, you may direct them to the Pro Se Office.

Dated: December 26, 2013 New York, New York

WINSTON & WINSTON, P.C.

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